

(Adopted: 08/01/75; CARB Ex. Ord. G-73: 02/01/77;  
Readopted: 07/25/77)

## Rule 806

### Findings

No order for abatement shall be granted unless the Hearing Board makes all of the following findings:

- a. That the respondent is in violation of [Section 41700](#) or [41701, Health and Safety Code](#), or of any rule or regulation of the Air Pollution Control Board.
- b. That the order of abatement will not constitute a taking of property without due process of law.
- c. That if the order for abatement results in the closing or elimination of an otherwise lawful business, such closing would not be without a corresponding benefit in reducing air contaminants.

[SIP: Deletion challenged U.S. 9<sup>th</sup> Cir. Case #97-71117; Deleted 6/27/97, 62 FR 34641, 40 CFR 52.220(c)(32)(iv)(B) and 40 CFR 52.220(c)(39)(ii)(F); Approved: 9/8/78, 43 FR 40011, 40 CFR 52.220(c)(39)(ii)(C); Approved 6/14/78, 43 FR 25684, 40 CFR 52.220(c)(32)(iv)(A)]

(Adopted: 08/01/75; CARB Ex. Ord. G-73: 02/01/77;  
Readopted: 07/25/77)

## RULE 807

### Pleadings

Any person may file a written answer, other responsive pleading, memorandum, or brief not less than five days before the hearing. Said documents shall be served the same as petitions under [Rule 803](#).

[SIP: Deletion challenged U.S. 9<sup>th</sup> Cir. Case #97-71117; Deleted 6/27/97, 62 FR 34641, 40 CFR 52.220(c)(32)(iv)(B) and 40 CFR 52.220(c)(39)(ii)(F); Approved: 9/8/78, 43 FR 40011, 40 CFR 52.220(c)(39)(ii)(C); Approved 6/14/78, 43 FR 25684, 40 CFR 52.220(c)(32)(iv)(A)]